

EXHIBIT 55

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

Civil Action No. 21-CV-11181-PBS

v.

EBAY INC., et. al.,

Defendants.

PLAINTIFF'S FURTHER AMENDED NOTICE OF DEPOSITION TO
DEFENDANT EBAY INC.,
PURSUANT TO FRCP 30(b)(6)

Please take notice that pursuant to FRCP 30(b)(6), the testimony of Defendant EBAY, INC., (hereafter, "Defendant" or "eBay") will be taken upon oral examination at the instance and request of the plaintiffs in the above-entitled and numbered action, pursuant to the Federal Rules of Civil Procedure, before a notary public and via a virtual video proceeding, agreed upon by the parties, at the law firm of **Sidley Austin, 555 California Street, San Francisco, CA 94104**, on **September 17, 2024**, beginning at **10:00 AM (Pacific Standard Time)**. Said oral examination may be recorded by audio, audiovisual, and stenographic means, and it is to be subject to continuance or adjournment from time to time or place-to-place until completed. Defendant shall designate one or more officers, agents or other persons who shall consent to testify on behalf of Defendant with respect to the following matters summarized below, on which examination is requested:

BUSINESS OVERVIEW

1. A summary explanation of Defendant's corporate history from being a sole proprietorship in September 1995, incorporated in California in May 1996, reincorporated in Delaware, and in September 1998 completed an initial public offering of common stock. A description of principal executive offices as of 2019. A description of consolidated subsidiaries, if any, as of 2019. An explanation of the relationship, if any between Defendant and Marketplace, Stubhub and Classified platforms as of 2019, if any.

Addendum: Based on Defendant's Response & Objections, and discussion with counsel, the topic is particularized to include a summary explanation of Defendant's corporate history and business in global e-commerce connecting buyers and sellers. A description of principal executive offices as of 2019, and a summary description of Defendant's various business units.



2. Identification and description of the Board of Directors as of 2019 and current Board of Directors.
3. A summary explanation of Defendant's Business Overview as set forth in Defendant's 2019 Annual Report on Form 10-K at page 1, which is publicly available at [855641_002_BMK_WEB.PDF \(q4cdn.com\)](#).
4. For the timeframe of 2019, an explanation as to the way Defendant generates revenue from transactions Defendant enables and through marketing services, including classifieds and growth initiatives of payments and advertising; and an explanation of how the the majority of revenue comes from a take rate on the GMV of transactions closed on Defendant's Marketplace and StubHub platforms. (Source: Defendant's 2019 Annual Report at p.4, publicly available at [855641_002_BMK_WEB.PDF \(q4cdn.com\)](#))
5. A summary description of the number of employees employed by Defendant as of December 31, 2019, which upon information and belief is set forth in Defendant's Annual Report 2019 to wit: "As of December 31, 2019, we employed approximately 13,300 people globally. Approximately 6,600 of our employees were located in the U.S." (p.6).
6. An explanation of consolidated financial data for the calendar years 2015 – 2019 as set forth in Defendant's 2019 Annual Report at pp. 34-35, and publicly available at [855641_002_BMK_WEB.PDF \(q4cdn.com\)](#), in which Defendant's Net revenue for 2019 was listed as \$10.8 billion and Gross Profit was listed as approximately \$8.29 billion.
7. A description of internal practices and policies in effect as of 2019 regarding Defendant's Ethics & Compliance, as set forth in Defendant's eBay Impact 2019 Report, publicly available at [eBay-Impact-2019-Report.pdf \(ebayinc.com\)](#).

Addendum: Based on Defendant's Response & Objections, and discussion with counsel, the topic is particularized to include the section, Culture & Workforce as set forth in eBay's Impact 2019 Report, including Investing in Leadership, Professional Development, Our Governance Model, and Ethics & Compliance.

8. Defendant's Code of Business Conduct & Ethics, in effect as of 2019, and publicly available at [CodeofConduct-Ethics_English.pdf \(q4cdn.com\)](#).
9. Defendant's Governance Model, and approach to environmental, social and governance (ESG) matters, guided by Defendant's eBay Impact Team, with oversight from the eBay Board of Directors and eBay's Executive Leadership Team, as of 2019. As reference, please see the publicly available Impact 2019 report at [eBay-Impact-2019-Report.pdf \(ebayinc.com\)](#)

Addendum: Based on Defendant's Response & Objections, and discussion with counsel, the topic is particularized to include the section, Culture & Workforce as set forth in eBay's Impact 2019 Report, including Investing in Leadership, Professional Development, Our Governance Model, and Ethics & Compliance. The Impact Report 2019 is publicly available at: <https://static.ebayinc.com/assets/Uploads/Documents/eBay-Impact-2019-Report.pdf>

CRIMINAL INFORMATION AND DEFERRED PROSECUTION AGREEMENT

10. The contents of the January 2024 Deferred Prosecution Agreement (DPA), in which eBay admitted to a set of facts establishing six felony charges, and eBay agreed to pay a \$3 million fine to the United States of America.

Addendum: Based on Defendant's Response & Objections, and discussion with counsel, the testimony will include an admission to the set of facts establishing six felony charges and eBay's agreement to pay a \$3 million fine to the United States of America. To the extent the witness has personal knowledge of facts that established said felony charges, then those facts will be further inquired upon.

11. The contents of the January 2024 Information in the matter of United States of America v. Ebay, Inc.

Addendum: Based on Defendant's Response & Objections, and discussion with counsel, and to the extent not duplicative of Topic 10 (above), the testimony will include an admission to the set of facts establishing six felony charges in the Information and eBay's agreement to pay a \$3 million fine to the United States of America. To the extent the witness has personal knowledge of facts that established said Information, then those facts will be further inquired upon.

12. The subject of eBay's Press Release, "eBay Inc. Issues Statement Regarding Indictments of Previously Terminated Employees", dated June 15, 2020, and which is publicly available at https://www.ebayinc.com/stories/news/ebay-inc-issues-statement-regarding-indictments-of-previously-terminated-employees/?utm_source=other&utm_medium=Social&utm_campaign=eBayInc_ShareIcons

- a. The manner in which Defendant was notified by law enforcement in August 2019 of suspicious actions by its security personnel toward Plaintiffs.
- b. Defendant's launch of a comprehensive investigation, which upon information and belief was conducted with the assistance of outside legal counsel, Morgan, Lewis & Bockius LLP.
- c. The actions of Defendant to "cooperate fully and extensively with law enforcement authorities throughout the process,"
- d. The bases for which Defendant eBay terminated all involved employees, including the Company's former Chief Communications Officer, in September 2019.

- e. The formation of an independent special committee formed by eBay's Board of Directors to oversee the Company's investigation, and the actions of said committee.
 - f. The bases for Defendant's public statement that "eBay holds its employees to high standards of conduct and ethics and will continue to take appropriate action to ensure these standards are followed."
2. The subject of eBay's Press Release, "eBay Inc. Reaches Agreement with U.S. Attorney's Office for the District of Massachusetts", dated January 11, 2024 and publicly available at <https://www.ebayinc.com/stories/news/ebay-agreement-us-attorney-office-mass/>
 - a. Defendant's 30b6 witness should be prepared to explain Defendant's "proactively disclosing certain evidence of which the United States was previously unaware; providing information obtained through its internal investigation, which allowed the government to preserve and obtain evidence as part of its own independent investigation; making detailed factual presentations to the U.S. Attorney's Office; voluntarily facilitating interviews of employees; and collecting and producing voluminous relevant documents to the U.S. Attorney's Office."
 - i. Defendant's 30b6 witness should be prepared to provide: testimony identifying what evidence Defendant claimed the United States was previously unaware; testimony identifying what information was obtained through its internal investigation; testimony explaining the detailed factual presentations to the U.S. Attorney's Office; testimony explaining the voluntary facilitation of interviews of employees, the identity of said employees and the content of said interviews; and testimony explaining the scope of documents that were collected and produced to the U.S. Attorneys's Office.
 3. Defendant's Annual Report filed pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934, for the fiscal year ended December 31, 2023, as it pertains to page 110, General Matters, and which is publicly available online at https://ebay.q4cdn.com/610426115/files/doc_financials/2023/ar/eBay_2023AnnualReport_BMK_FINAL_v2.pdf

"In January 2024, the Company also entered into a deferred prosecution agreement (the "DPA") with the U.S. Attorney for the District of Massachusetts (the "U.S. Attorney") regarding potential criminal liability of the Company arising from the stalking and harassment in 2019 of the editor and publisher of Ecommercebytes, a website that publishes ecommerce news and information. Six former Company employees and one former contractor have pleaded guilty to crimes arising from the conduct. Pursuant to the terms of the DPA, the U.S. Attorney filed a six count criminal Information in the United States District Court for the District of Massachusetts in January 2024 and agreed to defer any prosecution of the Company on those counts. Additionally, during the three-year term of the DPA, the Company is subject to an independent compliance monitor to assess its compliance program and, where appropriate, to modify that program. The Company also

paid a \$3 million penalty. If the Company successfully meets its obligations under the DPA, after three years, the DPA will expire, and the U.S. Attorney has agreed to dismiss the criminal Information against the Company. The editor and publisher also have a pending civil action against the Company, which seeks unspecified damages arising from the above-described conduct. In connection with the government matters and criminal and civil actions described above, the Company has accrued for probable losses of \$132 million in the aggregate as of December 31, 2023, of which \$68 million was recorded as a component of general and administrative expense during the year ended December 31, 2023, and for probable losses of \$64 million in the aggregate as of the date of this report. Given the uncertainties involved, the ultimate resolution of these matters could result in additional losses that may be material to our financial results for a particular period, depending on, among other factors, the size of the loss or liability imposed and the level of our net income or loss for that period.” (Source: p. 110).

4. The process by which Defendant selected and produced documents to United States Attorney’s Office or any other government or police agency relating to the subject matter of this action, during any criminal investigation into eBay, Progressive Force Concepts (PFC), Devin Wenig, Steve Wymer, Wendy Jones, Jim Baugh, David Harville, Philip Cooke, Brian Gilbert, Stephanie Popp, Stephanie Stockwell and Veronica Zea, including any and all “Production Letters,” emails, or any other written communications with the Government or any of its agents.
5. The substance transcripts, oral recordings, notes, memoranda or any other memorialization of an interview conducted by any employee of Defendant or Defendant’s counsel (Morgan Lewis) or any agent relating to the subject matter of this action, including the substance of any interviews orally recited to any member of the United States Attorney’s Office.

Addendum: Based upon discussion between the parties’ counsel, including a discussion on August 8, 2024, regarding the potential production of additional documents by Defendant eBay, then the topic is revised to include testimony regarding information that is included in said production of documents.

6. The substance of personnel files, including but not limited to offers of employment, resumes, lists of references, letters of recommendation, employment contracts, subcontract agreements, contractor agreements, termination letters, severance payouts, notes of exit interviews, disciplinary reports, investigations, claims, background checks, complaints filed, progress reports, annual reviews, and bonuses, but limited to the following individuals:
 1. Devin Wenig; 2. Steve Wymer; 3. Wendy Jones; 4. Jim Baugh; 5. David Harville; 6. Philip Cooke; 7. Brian Gilbert; 8. Stephanie Popp; 9. Stephanie Stockwell; 10. Veronica Zea; 11. Scott Fitzgerald; 12. Eleanor Mount; 13. Michelle Alford aka Echevarria; 14. Meli Akdeniz; 15. Meagan Barret; 16. Dan Cory; and 17. Lauryn Ticknor-Squires.

Addendum: Based upon Defendant’s Response and Objections, and discussion between the parties’ counsel, the topic is further particularized to include eBay’s pre-Criminal Conduct knowledge of the qualifications of the individuals listed in the Topic, and then information and events after the Criminal Conduct related to

actions taken by Defendant eBay, if any, regarding termination, resignation, and/or separation of the above individuals listed in the topic, and compensation provided to said individuals, if any.

7. Contracts between eBay and Progressive Force Concepts (PFC) including the vendor file, drafts, and final drafts and any and all offer letters that accompanied the contract for the period of January 2019 to present, including any amendments, edits, or terminations related to the contract. Include all contracts or agreements that outline the process by which expenses accrued by PFC contractors would be paid by eBay, including any documentation that outlines, memorializes, or reflects any percentage markup of expenses. Please include any insurance policies PFC provided to eBay.

Addendum: Based upon Defendant's Response and Objections, and discussion between the parties' counsel, the topic is revised to include testimony regarding the relevant Masters Services Agreement with PFC.

8. Reports of "Internal Investigation," conducted by eBay, Morgan Lewis or Guidepost Solutions, including any and all written memoranda, letters, or other reports relating to any findings, conclusions, recommendations or any other written memorialization relating to the investigation into the campaign against the Steiners, including any and all documents containing the phrase "Project Lewis" or case no. 01777906, or any documents in any file with the name "Project Lewis" or case no. 01777906, or any documents, reports or memoranda related to "Lewis Summary," "Lewis Exec Summary," "Media EOD Summary," "Director Bridging Phrases," "Lewis Special Committee Clawback, or "SVP Severance Plan Appeal," or any other file name related to the Government investigation, the Natick investigation, or the subject matter of this Complaint.

Addendum: Based upon discussion between the parties' counsel, including a discussion on August 8, 2024, regarding the potential production of additional documents by Defendant eBay, then the topic is revised to include testimony regarding eBay's internal investigation, inasmuch as the production of said documents may include information encompassed by the topic.

9. The contents of records and phone or Blackberry extractions and computer extractions including but not limited to all extraction reports, hard-drive copies, iCloud or other storage database, screenshots of any and all texts, emails, iMessages, direct messages, WhatsApp messages or other social media messages, email searches, printed reports, phone records received from carrier companies or any other phone searches or records retrieved for any individual during the course of the investigations conducted relating to the subject matter of this complaint and which are under Defendant's possession, custody or control.
10. The contents of Defendant's manuals, procedures, internal memoranda, letters or other written materials outlining reporting mechanisms for reporting workplace harassment, misconduct, mistreatment, and for reporting or filing grievances against supervisors.

Addendum: Based upon Defendant's Response & Objections, and counsel's discussion, testimony is revised to include testimony regarding relevant written materials/policies outlining reporting mechanisms for reporting workplace harassment, misconduct, mistreatment, and for reporting or filing grievances against supervisors that were in effect at the time of the Criminal Conduct.

11. Defendant's Board of Directors minutes discussing the termination of Concentric Advisors, the hiring of Progressive Force Concepts, the Steiners, EcommerceBytes, or any of the events that are subject to this Complaint, including but not limited to the following: 1) Board of Directors agendas, minutes, notes, updates, memoranda from April of 2019 through 2021; 2) Board of Directors information and reporting system and controls in 2019; 3) Board of Directors method of oversight of CEO of eBay in 2019; 4) Memorandum, notes, logs, topics discussed including whether Steiners or eCommerceBytes were discussed for all meetings with CEO from April of 2019 through 2021; 5) Any and all minutes where the decision to hire PFC as a contracting agency was discussed; and 6) Any and all communications and reports and/or notes of interviews with Wendy Jones; Defendant Wenig; Defendant Wymer; and Defendant Baugh relating to the subject matter of this Complaint; 7) Any and all minutes discussing Defendant Wenig's departure from eBay; 8) Report of the independent special committee formed by eBay's Board of Directors to oversee the investigation.
12. "Persons of Interest" files that reference Ina Steiner, David Steiner, EcommerceBytes, Fidomaster, or "UnSuckeBay" from 2015 through 2021, including the fake dossiers on the Steiners' that any employee, including but not limited to, Veronica Zea, Brian Gilbert, Jim Baugh, David Harville, Philip Cooke, Stephanie Popp, Stephanie Stockwell, or Scott Fitzgerald were going to provide to the Natick Police Department.

Addendum: Based upon Defendant's Response & Objections, and counsel's discussion, testimony is revised to include information regarding POI files that refer to Plaintiffs, Fidomaster, or UnSuckeBay and the process by which any "fake dossiers" were located and produced to the U.S. Attorney's Office.

13. The content of emails, text messages, iMessages, direct messages or other written communication, document, memoranda, or other writing for any employee, Board of Director, executive suite member or any other person, including any public relations, human resources or legal department personnel that reference Ina, "Ira," "Ina Steiner," Steiner, "David Steiner," EcommerceBytes, Ecommerce Bytes, ECB, AuctionBytes, Auction Bytes, Samoan, Fidomaster, or "UnSuckeBay" or any aliases for the same, Natick, or Waban, on its own, or "Waban Street," or "Waban St".
14. The content of consultant proposals received by eBay relating to the Steiners and EcommerceBytes, and meeting notes, memoranda, letters or other written materials discussing the proposal(s), the decision as to whether to implement the proposal(s) and written materials produced as a result of the proposal(s), and the reason for implementing or not implementing the proposals.

15. The manner in which Total Service Solutions, EGI Hosting, or Psychz Networks were retained and the services retained, requested and/or anticipated regarding the subject matter of this Complaint.

Addendum: Based upon Defendant's Response & Objections, and counsel's discussion, testimony is revised to include information in eBay's interrogatory responses and document productions that is relevant to this Topic.

16. The manner in which bonuses, including cash-incentive and retention bonuses, were calculated for each of the following positions from January 2015 to January 2021, and the amount of bonus payments from 2015 through 2021: Chief Executive Officer Vice President of Global Operations Senior Vice President of Global Operations Senior Vice President Chief Communications Officer Global Security and Resiliency Department Director of Global Security Sr. Manager Global Security Director of GSR Operations Senior Manager of Global Security Special Operations Senior Manager, Global Intelligence Security Manager Intelligence Program Manager Senior Director of Safety & Security in charge of Global Security and Resiliency Manager, Global Intelligence Center Intelligence Analyst Special Operations Coordinator.
17. The content of disciplinary policies, remedial action policies, employee handbooks, authorization and requests for sabbaticals, and termination policies, applicable to the following positions for the dates of January 2017 to 2021 for: Chief Executive Officer (Wenig); Senior Vice President of Global Operations (Jones); Senior Vice President Chief Communications; Officer Director of Communications (Ryan Moore); Global Security and Resiliency Department (all defendants); Senior Director of Safety & Security in charge of its Global Security and Resiliency (Baugh); Intelligence Analyst.

Addendum: Based upon discussion between the parties' counsel, the topic is revised to include testimony regarding eBay's policies in existence at the time of the Criminal Conduct such as the Code of Business Conduct and Ethics policy, remedial action policies and termination policies applicable to the individuals and positions set forth in the aforementioned topic.

18. The content of documentation, internet searches, background searches, memoranda, notes, or communications related to or with Fidomaster and Unsuckebay or any aliases, or any Persons on Interest, including Chuck Fitch, Ed Koon, Jason Smith, the dates that the files were created, and the dates where any information was input into each file, and the actions that eBay took with each Persons of Interest from 2015 through 2021.

Addendum: Based upon discussion between the parties' counsel, the topic is revised to include testimony regarding a more particularized timeframe of 2018-2021.

19. Communications, whether written or verbal, with the U.S. Government relating to the Deferred Prosecution Agreement (DPA), and the contents of the DPA.

Addendum: Topic #19 is withdrawn to the extent it is duplicative of other Topics in this notice.

20. The content of presentations (such as Powerpoint) or other written documentation presented to the Government on behalf of eBay, Wenig, Wymer, Jones or any other eBay executive, employee or agent relating to a request not to prosecute eBay, or any other executive, employee or agent.

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, testimony will include information regarding presentations that eBay, and its counsel made to the U.S. Attorneys's Office on March 16, 2021 and August 10, 2022.

21. The content of correspondence, letters, emails, or any other written communication or documentation between eBay and any agent of PFC, or any notes memorializing any communication, that reference Ina, "Ira," "Ina Steiner," Steiner, "David Steiner," EcommerceBytes, AuctionBytes, Fidomaster, or "UnSuckeBay" or any aliases for the same, Natick, or Waban, on its own, or "Waban Street," or "Waban St" from January of 2019 through 2021.

Addendum: Topic #21 is withdrawn to the extent it is duplicative of other Topics in this notice.

22. The reasons eBay terminated Concentric Advisors and hired Progressive Force Concepts (PFC), including the names and titles of individuals at eBay who approved the decision to terminate Concentric Advisors and hire PFC, and what PFC claimed its services were at the time the company was hired.

23. An explanation of when and why Defendant Baugh was promoted to Senior Director of Global Security and what other candidates were considered for the position; an identification of employees, executives, board of directors or HR persons with whom Defendant Baugh interviewed and information and documents eBay received from or about Defendant Baugh prior to his hiring as Senior Director of Global Security.

Addendum: Based upon Defendant's Response & Objections, and counsel's discussion, testimony is revised to include testimony regarding Baugh's promotion to Senior Director of Global Security.

24. A description of conversations or communications between all named defendants, members of eBay's Executive Leadership Team and Board of Directors, executives, security team, and communications team and any of the applicable people listed in the Defendant eBay's Rule 26 disclosures.

Addendum: Topic #24 is withdrawn to the extent it is duplicative of other Topics in this notice.

25. An explanation of information known to eBay about the departure of Pierre Omidyar, Fred Anderson, Thomas Tierney, and Jesse Cohn, from the Board of Directors, and all other board member departures since 2018, and the manner in which such information

may be included in Defendant's Board meeting minutes where their departures and or replacements were discussed.

Addendum: testimony on this topic is revised to be particularized to the timeframe of 2019 – 2021 and to what extent, if at all, the departures and/or replacements were related to the Criminal Conduct. Additionally, based upon discussion between the parties' counsel, including a discussion on August 8, 2024, regarding the potential production of additional documents by Defendant eBay, the topic is revised to include testimony regarding the Board of Directors and board members inasmuch as the production of said documents may include information encompassed by the topic.

26. Information in eBay's possession regarding Fidomaster, UnsuckeBay and its aliases, the date eBay learned the information, and each and every update to that information from January 2017 to January 2021; information as to how Fidomaster came to the attention of eBay, the concerns eBay had about Fidomaster, eBay was aware Fidomaster was posting on eBay discussion boards, and any plans formulated to either determine the identity behind Fidomaster or to address Fidomaster's online activity, and what was shared with the Board of Directors about Fidomaster or any Persons of Interest.

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, the topic is revised to include information in Defendant's possession regarding Fidomaster and UnsuckeBay from January to September 2019.

27. Information related to the decision to terminate an eBay employee, executive or contractor as a result of the investigation into the events leading to the Complaint, including discussions around exit packages, and any discussions and decisions about clawbacks or possible clawbacks, and recommendations/references given to any future employers.

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, the topic is revised to include the facts of the individuals identified in Defendant eBay's Response to Interrogatory #11, in terms of their separation, termination and/or departure from eBay, as well as compensation provided to said individuals, if any, after the Criminal Conduct, and the underlying bases for such compensation, if any, as well as eBay's consideration and/or determination of compensation being affected by the facts of the Criminal Conduct, if at all. The individuals in Interrogatory Response #11 included Jim Baugh, Scott Fitzgerald, Brian Gilbert, David Harville, Stephanie Popp, Stephanie Stockwell, Devin Wenig, Steve Wymer, Veronica Zea, Philip Cooke and Meagan Barrett.

28. The role the Global Security and Resiliency organization had within eBay in 2019, including the names, titles, and specific physical locations of all employees, contractors, supervisors and executives, the responsibilities of each person within the organization and each of its units at that time (including the Global Intelligence Center), the supervisory role of any person in the organization, who they reported to directly, how

often they report, and the substance of their reporting; testimony is also expected to include a verbal description of an organization chart for said Global Security and Resiliency organization as of 2019, including all roles in the organization, who fulfilled those roles, and the reporting chain of command.

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, testimony will include information insofar as it relates to the Criminal Defendants, their direct supervisors, and their direct reports, and the role of the GSR organization in 2019.

29. A description of discretionary funds, if any, that were available to the Global Security and Resiliency department from 2015 to 2021, the amount of the funds available, the funds expended each year for each request, and a summary of the subject matter of each discretionary funding request and an indication of whether it was allowed or denied, as well as the name of person or persons responsible for allocating or denying these funds, and where within eBay these documents were and are now kept.

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, testimony will include information in eBay's response to Plaintiffs' Interrogatory No. 14.

30. An explanation as to when the Global Security and Resiliency department was created, what was the purpose of creating the department, whether the original purpose was ever modified and how it was modified, including the identity of the person who was in charge of the department before Defendant Jones, the process for selecting Defendant Jones to head the department, what qualifications she held to fulfill the role, any vetting that was done as to her qualifications, and whether the unit changed after she was promoted, including any changes to its structure or mission, including whether the Legal Department or Communications Department utilized Global Security and Resiliency resources - both before and after Defendant Jones became head of GSR, how the resources were used, and whether this changed when Defendant Jones became the head of the department.

31. A description and identity of individuals who were responsible for approving, reviewing, disbursing and reimbursing PFC for expenses associated with its contract with eBay, including where within eBay these expense records were and are now kept.

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, testimony will include information in the purchase order approval threads produced by eBay.

32. An explanation for any markup of expenses accrued by any PFC contractor, including an explanation of the "expensing loophole" mentioned in Defendant's PowerPoint presented to the U.S. Government, the circumstances under which eBay allowed this, how it was "discovered," and what actions eBay took legally, administratively, and disciplinarily regarding this "loophole."

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, testimony will include information in eBay's response to Plaintiffs' Interrogatory No. 17

33. An explanation identifying the electronic devices eBay and/or Morgan Lewis took possession of during the investigation, and when, and whether the devices were turned over to the U.S. Government, and the date each device was provided; an explanation as to whether eBay and/or Morgan Lewis ever extracted data from any of the electronic devices and/or from cloud or server accounts, where this data currently resides, and whether the U.S. Government ever returned the electronic devices to eBay and/or Morgan Lewis.

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, testimony will include information in eBay's response to Plaintiffs' Interrogatory No. 18 and related document production.

34. An explanation whether any employee, contractor, vendor, buyer, or seller of eBay ever complained about any Defendant named in the Complaint, either formally or informally before August 2019, and if yes, then an explanation as to the name of the person(s) who lodged complaint(s), the name and title of any individual who received the complaint(s), and any steps taken to address the complaint, or, if no actions were taken to address the complaint, why.

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, eBay will provide a witness to testify regarding the information in documents produced by eBay that are relevant to this Topic.

35. An explanation as to whether before August 2019, Defendant via its employees or agents, ever physically or digitally tracked or surveilled any person including employees, executives, board members, Elliot Management, Starboard Value, competitors, developers, sellers, buyers, former employees, lawmakers, prosecutors, and regulatory and law enforcement agents, including the use of tracking, listening, monitoring, or hacking devices from 2015 through 2020.

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, testimony is anticipated to include that separate and apart from the allegations and underlying facts of this case, it is not aware of any instance in which eBay physically or digitally tracked or surveilled any person.

36. The identification of current and former employees, contractors or executives involved in eBay's investigation leading to the events in this Complaint who were fired, reprimanded, suspended, resigned or suffered any other adverse employment consequence as a result of the findings of the investigation and describe the actions and reasons for those actions.

Addendum: Based on Defendant's Response & Objections, and upon discussion between the parties' counsel, testimony will include information in eBay's response to Plaintiffs' Interrogatory No. 22.

37. An explanation of whether any employee was terminated or fired in conjunction with the investigation into the events leading to this complaint were ever later re-hired by eBay and why and whom
38. Whether Defendant or an agent acting on eBay's behalf discussed EcommerceBytes or the Steiners with third parties, including companies that provided products and services to sellers; Public Relations companies; eBay partners; members of its outreach programs such as Voices and eBay Main Street; sellers; and service providers. Testimony will also include a description of the nature of these conversations and the purpose behind them, including dates and details of spoken and written communications, including posts on private boards such as Facebook Groups.

Supplemental Topics As of August 28, 2024

39. A description identifying the areas on the eight video files obtained from a site inspection of certain locations on eBay's campus conducted by Defendant Wymer's counsel on August 6, 2024, and which were Bates-numbered with said counsel's production of documents as WYMER00000447 through WYMER00000454. This topic will also include an inquiry of how said areas were utilized and by whom, with particular reference to the Criminal Defendants.
40. A description identifying the areas on the purported floorplans obtained from Defendant eBay's counsel in their production of documents, and which were Bates-numbered as EBAY_STEINER_00195355; 00054029 through 0054033; and EBAY_STEINER_00187885. This topic will also include an inquiry of how said areas were utilized and by whom, with particular reference to the Criminal Defendants.
41. Items 1-24 in DEFENDANT, PROGRESSIVE F.O.R.C.E. CONCEPTS, LLC'S, REQUESTS FOR ADMISSIONS TO EBAY, INC, dated, August 23, 2024.

8/28/24

Yours, etc.,

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CERTIFICATE OF SERVICE

I, Kenneth B. Fromson, do hereby certify that I have this day served the foregoing document to all counsel of record in this action by emailing same to:

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